

EXHIBIT WW

REDACTED VERSION OF
DOCUMENT(S) SOUGHT
TO BE SEALED

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Civil Action No. 5:13-cv-00119-LHK

DEPOSITION OF: KEN SHROPSHIRE - June 17, 2015
(Confidential Designations Pending)

ERIC BENEDICT, RICHARD BOWDERS, KILRICANOS VIERA, and
DAVID MUSTAIN, on behalf of themselves and classes of
those similarly situated,

Plaintiffs,

v.

HEWLETT-PACKARD COMPANY,

Defendant.

HEWLETT-PACKARD COMPANY,

Counterclaimant,

v.

ERIC BENEDICT,

Counterdefendant.

PURSUANT TO NOTICE, the deposition of
KEN SHROPSHIRE was taken on behalf of the Defendant at
1801 California Street, Suite 4200, Denver, Colorado
80202, on June 17, 2015, at 9:05 a.m., before
Sandra L. Bray, Registered Diplomat Reporter,
Certified Realtime Reporter, and Notary Public within
Colorado.

(SF-044781)

1 A. Yes.

2 Q. And that was for work you did in the
3 United States?

4 A. Yes.

5 Q. Let's go through your background
6 information. For the record, can you give us your
7 address?

8 A. [REDACTED]

9 [REDACTED]

10 Q. And have you lived in Colorado since
11 2010?

12 A. Yes, I have.

13 Q. Can you tell me about your education?

14 A. High school and then one vocational
15 school in San Diego.

16 Q. Do you have any associate's degree or a
17 bachelor's degree?

18 A. No bachelor's. I have an associate's
19 equivalent when I finished the vocational school in
20 San Diego.

21 Q. And what was your degree in?

22 A. It was electronics.

23 Q. What kind of electronics degree?

24 A. Just board level basic electronics. I
25 don't remember, honestly.

1 Q. Do you have any certifications?

2 A. I have none, actually.

3 Q. You don't have any Linux certifications?

4 A. No, I never completed. I went through
5 the classes, but I never got the certification.

6 Q. What about UNIX, do you have any UNIX
7 certifications?

8 A. No, no UNIX.

9 Q. Have you ever been arrested?

10 A. Have I been arrested? No.

11 Q. Have you ever declared personal
12 bankruptcy?

13 A. I have.

14 Q. When was that?

15 A. 2007.

16 Q. And was that case pending here in
17 Colorado?

18 A. Yes.

19 Q. Do you remember what county or what
20 city?

21 A. Well, I lived on 128th and Holly, and I
22 believe it was Adams County, if I remember correctly.

23 Q. And you might have said this, but when
24 was the date that you graduated from the associate's
25 program?

1 Q. And I'm not a technologist, so you're
2 going to have to be patient with me today.

3 A. No problem.

4 Q. I apologize. So it sounds to me like
5 the [REDACTED] servers and the [REDACTED] products relate
6 to data storage for HP customers; is that correct?

7 A. That's correct.

8 Q. And this data can be myriad and depends
9 on the customer's business?

10 A. That's correct.

11 Q. How many types of [REDACTED] products are
12 there when you worked at -- were there when you worked
13 at HP?

14 A. When I say "products," I mean they would
15 package them with different vendors, like the [REDACTED]
16 products that we sent that I said earlier was what we
17 called -- it was packaged with a [REDACTED] --
18 basically [REDACTED] basically 2008 storage server, and
19 one node was designed for like what we called some
20 type of a network file system setup. We tried to
21 offer different -- they tried to offer different
22 solutions for different customers. So they'd package
23 them up with different products.

24 Q. Why did different customers need
25 different solutions?

1 A. It depended upon the needs of the
2 company.

3 Q. In Paragraph 8, it says, "On occasion, I
4 worked on one-time projects that HP assigned me." Did
5 I read that right?

6 A. Yes.

7 Q. Is that correct?

8 A. That is correct.

9 Q. What are some of the one-time projects
10 that HP assigned to you?

11 A. I would help Robb -- I can't remember
12 his name. I just saw his name the other day. I
13 helped Robb with putting together some slides.

14 Q. Was he at HP or somewhere else?

15 A. He's at HP currently.

16 Q. What does he do?

17 A. Well, at first, he was a telephone guy
18 like us, but then he moved into just doing -- putting
19 together documents.

20 Q. When you say, "I saw his name the other
21 day. I helped Robb with putting together some
22 slides," do you remember where you saw his name the
23 other day?

24 A. No, I don't. As a matter of fact, we
25 were just talking about him because we're friends with

1 him.

2 Q. And when you say "we" there, is that you
3 and your wife?

4 A. No, me and my colleagues. David Mustain
5 and Toney Dimiceli.

6 Q. When you talked with David Mustain then,
7 did this lawsuit come up?

8 A. No, it did not.

9 Q. Any other one-time projects that you
10 worked on while at HP?

11 A. Like I said, periodically, they'd give
12 me -- Robb would ask me to help him with trainings.

13 Q. Anything else?

14 A. Not that I'm aware of. Not that I
15 remember. Mostly, it was those.

16 Q. Okay. Going to Paragraph 10, it says,
17 "I was required to follow specific procedures for the
18 tasks I performed. These processes and procedures
19 were spelled out in detailed steps in documents stored
20 in our group's document repository, called SAW." Were
21 all of HP's processes and procedures that you followed
22 in SAW?

23 A. I mean I don't recall because there
24 was -- we were introduced to SAW late. We didn't have
25 a whole lot of access. As a matter of fact, probably

1 might have had SAW access only for like the last year,
2 maybe. So really didn't have a ton of access. So a
3 lot of the data we got was the documents that were
4 floating around.

5 Q. Okay. Do you remember when you received
6 access to SAW?

7 A. I can't specifically remember, no.

8 Q. But you think it might have been the
9 last year that you were at HP --

10 A. I --

11 Q. -- sorry -- sometime in 2012?

12 A. Yeah, I could say that.

13 Q. And before that, there was no set
14 repository for any of these processes and procedures?

15 A. Well, I'm sure there were, but I didn't
16 have access to it.

17 Q. So you did not have access to the
18 processes and procedures before they were in SAW?

19 A. Not all of them. A lot of those were
20 given to us by, like I said, our manager.

21 Q. Can you please name the processes and
22 procedures that you followed while at HP?

23 A. Not all of them.

24 Q. Can you name some of them?

25 A. I mean it's been almost three years

1 Q. But only if it was a hardware or
2 replacement issue would you follow this procedure?

3 A. No. This is for all cases. And I
4 didn't create new cases. A lot of times, we'd pull
5 them from the queue. If they had technicians there
6 before, that they called T0 or nontechnical T1's that
7 would handle the initial -- a lot of the T1's would
8 handle hardware, but we didn't have T1's until about
9 almost the last year we were there. When I was first
10 there, we handled everything.

11 Q. So when you were first at HP, did you
12 handle new case creation?

13 A. I did.

14 Q. Do you know if you followed this exact
15 procedure?

16 A. Like I said, I don't remember. I
17 started in 2010. It's been five years. It looks
18 familiar. Most of it, I received from basically
19 training or shadowing. I would shadow other
20 technicians and learn how to do it from there.

21 Q. How long did it take you to learn how to
22 do a new case?

23 A. They didn't let me do new case creations
24 for three months or take phone calls.

25 Q. Did it take you three months to be able

1 A. To the best of my recollection, no.

2 (Deposition Exhibit 6 was marked.)

3 Q. Do you recognize this document?

4 A. Not at all.

5 (Deposition Exhibit 7 was marked.)

6 Q. Do you recognize this document?

7 MS. ALLEN: Just for the record, this is
8 HP00332107.

9 A. Huh-uh.

10 (Deposition Exhibit 8 was marked.)

11 Q. (BY MS. ALLEN) Do you recognize this
12 document, Bates-numbered HP00332824?

13 A. The name looks familiar, but the
14 document does not.

15 Q. When you say "the name looks familiar,"
16 what do you mean by that?

17 A. In One Page Tool that we switched to our
18 last year, they had a section of the tool that said
19 this, had an AMS KCS and SAW linking on the tool.

20 Q. What is AMS KCS/SAW linking?

21 A. I have no idea what that means.

22 (Deposition Exhibit 9 was marked.)

23 Q. This is Exhibit 9. This is
24 Bates-numbered HP00328021. Do you recognize this
25 document?

1 A. No.

2 (The deponent perused the exhibit.)

3 A. No.

4 (Deposition Exhibit 10 was marked.)

5 Q. I'm now showing you Exhibit 10. The
6 Bates number is HP00000001. Have you ever seen this
7 before?

8 A. No.

9 Q. Can you read what it says under Job
10 Family Description at the top?

11 A. Yes. "Customer Solution Centers are
12 made up of teams that provide remote (offsite)
13 service; customer access, pre-sales, post-sales, and
14 service delivery. Technical teams focus is to solve
15 various business systems and applications problems for
16 customers, onsite engineering personnel and Authorized
17 Service Providers on standard, specialized or complex
18 systems."

19 Q. When you worked at HP, can you tell me
20 which one of these job codes you fell under?

21 A. Well, honestly, based on what I read
22 here, I believe -- I believe; I don't really remember
23 because I was just hired. I don't remember if they
24 hired me as a I or a II. I didn't even know III
25 existed until the last year I was there.

1 developed subject matter knowledge, but I used that
2 information to help with cases.

3 Q. Let's try again. While a TSC III at HP,
4 did you apply developed subject matter knowledge to
5 solve common and complex business issues within
6 established guidelines and recommend appropriate
7 alternatives?

8 MS. RUAN: Objection. You can answer.

9 A. Yes.

10 Q. (BY MS. ALLEN) The next sentence reads
11 "Works on problems/projects of diverse complexity and
12 scope." Did I read that correctly?

13 A. Yes, you did.

14 Q. Did you do that while you were a TSC III
15 at HP?

16 A. I did a few projects.

17 Q. While a TSC III at HP, did you work on
18 problems/projects of diverse complexity and scope?

19 MS. RUAN: Objection. You can answer.

20 A. Yes.

21 Q. (BY MS. ALLEN) The next sentence reads,
22 "Exercises independent judgment within generally
23 defined policies and practices to identify and select
24 a solution." Did I read that correctly?

25 A. You did.

1 Q. Did you do that while at HP?

2 A. No.

3 Q. The last sentence reads, "Ability to
4 handle most unique situations." I'm sorry. This is
5 the second-to-last sentence. Did I read that
6 correctly?

7 A. Yes.

8 Q. Did you do that or have that ability
9 while you were a TSC III at HP?

10 A. Yes.

11 Q. And the last sentence reads, "May seek
12 advice in order to make decisions on complex business
13 issues."

14 A. Yes.

15 Q. I'm sorry. Did I read that correctly?

16 A. Yes, you did.

17 Q. And did you that while you were a TSC
18 III?

19 A. I was able to seek advice, yes.

20 Q. The next row under Responsibilities
21 under TSC III reads, "Successfully resolve technical
22 issues (hardware and software) from incoming internal
23 or external businesses and end user's contacts and
24 proactive notification systems." Did I read that
25 correctly?

1 Q. Okay. Did you ever use discretion while
2 you were employed by HP?

3 A. No.

4 Q. Did you ever use judgment while you were
5 employed by HP?

6 A. No.

7 Q. If Steve Ray said that he valued you as
8 an employee because of your discretion with customers,
9 would he be lying?

10 A. "Discretion" is a word that's used for
11 how we explain something to a customer. I had no
12 discretion on deciding what was going to happen with
13 their data or not. It was not my place.

14 Q. Would you say that you had good
15 discretion when it came with dealing with customer?

16 A. When it came to explaining the problem,
17 if that's what you mean by discretion, I was told I
18 did.

19 Q. Do you believe you did?

20 A. I believe I handled most of the
21 situations correctly because we are the face. The
22 customer talks to us. We talk to the customer. We
23 have to explain the situation, whether it's ugly or
24 not. How you explain it determines whether the
25 customer is pissed off or not. Most of the time they

1 read that right?

2 A. You read it correctly.

3 Q. Were you a team resource in Linux?

4 A. No, I was not.

5 Q. Down below, it says Progress Update: "I
6 am scheduled to do Red Hat cert class during the week
7 of October 29th thru the 1st of November." Did you
8 write that?

9 A. Yes.

10 Q. What does that mean?

11 A. I was in a Red Hat certification class.
12 It's a class you take prior to getting your
13 certification for Red Hat Linux administration.

14 Q. Did you ever take that class?

15 A. I took the class.

16 Q. Did you ever become certified?

17 A. No, I did not.

18 Q. When you take a class for certification,
19 is there another step you do in order to get the
20 actual certification?

21 A. Yes, you're supposed to request a --
22 from the manager, you're supposed to request a -- I
23 can't even remember what it is. "Hey, I want to take
24 the class," and he gets permission to pay for the
25 certification testing; and that never came because

1 things were changing at HP at that point.

2 Q. So there was just one extra step?

3 A. Yeah, one extra step. Because I did try
4 to certify for the VMware, which I failed the course.
5 I failed the test. I didn't get a chance to do this
6 because funding was pulled. According to Steve Ray,
7 he said the funding was pulled. We weren't allowed to
8 get any more requisitions for whatever they request.
9 I don't know what they request.

10 Q. Just so I'm clear, when you take a class
11 for certifications?

12 A. A class.

13 Q. And then there's a test?

14 A. Yes, there's a test to qualify for
15 certification.

16 Q. Is the test administered by HP or some
17 other company?

18 A. It's administered by some other
19 contractor employed by HP to do so.

20 Q. Do you leave HP's premises to do that?

21 A. Yes.

22 Q. Were there other certification classes
23 you took but you failed the certification testing?

24 A. No.

25 Q. So this is the only one, the Red Hat

1 certification class?

2 A. No. I indicated VMware. I did take
3 that one. I tried to take the test. I failed that,
4 and I never completed it after that. I took this
5 class, but at that time, HP was making financial
6 budget cutbacks and cutbacks in personnel on the team,
7 so all that stuff was frozen.

8 Q. Thank you. While at HP as a TSC II and
9 III, did you analyze problems?

10 A. I looked at the logs, yes, if that's
11 what you mean by "analyzation."

12 Q. While at HP as a TSC II and III, did you
13 analyze problems?

14 MS. RUAN: Objection to form.

15 A. The only way we could look at problems
16 or analyze problems, if you want to call it that,
17 would be to look at the logs and see if there was an
18 issue, so yes.

19 Q. (BY MS. ALLEN) I'm not asking you how
20 you analyzed problems. I'm asking you whether when
21 you were a TSC II or III at HP you analyzed problems.

22 MS. RUAN: Objection. You can answer.

23 A. Yes.

24 Q. (BY MS. ALLEN) While at HP as a TSC II
25 and III, did you test solutions?

1 A. Did I test solutions? No.

2 Q. While at HP as a TSC II and III, did you
3 provide elevation support?

4 A. Elevation support, yeah, because I had
5 to elevate the case.

6 Q. While at HP as a TSC II and III, did you
7 maintain software that was part of a customer's
8 network infrastructure?

9 A. Their software was not my problem.
10 SAN/iQ was my problem. So no.

11 Q. While at HP as a TSC II and III, did you
12 maintain software that was part of a customer's
13 network infrastructure?

14 A. No.

15 Q. While at HP as a TSC II and III, did you
16 make decisions about how to solve problems?

17 A. No.

18 Q. While at HP as a TSC II and III, did
19 your help -- did your work help ensure that a
20 customer's networks operated reliably?

21 A. No.

22 Q. While at HP as a TSC II and III, did you
23 identify potential bugs?

24 A. No. That was a Level III engineer's
25 problem. If I couldn't solve the problem, I'd elevate

1 product that the customer had?

2 A. Yes.

3 Q. Would the fact that sometimes problems
4 that came to HP actually were caused by another
5 product that's not from HP --

6 A. Yes.

7 Q. -- add to the complexity of the problems
8 you all were solving?

9 A. Sometimes the problems that came to us
10 were caused by other customer hardware outside of the
11 [REDACTED] product, yes.

12 Q. And did that sometimes add to the
13 complexity of the problems you were trying to solve?

14 A. Yes, and then -- yes.

15 Q. Jumping back real quick, we were talking
16 about your schedule. We talked earlier about whether
17 you were allowed to work from home or not. Do you
18 remember that?

19 A. Yes.

20 Q. And I believe at the time you said that
21 you were not allowed to work from home outside of
22 holidays.

23 A. Unless I asked.

24 Q. Unless you asked.

25 (Deposition Exhibit 19 was marked.)

1 determination yes.

2 Q. (BY MS. ALLEN) Did you ever determine
3 the exact nature of problems not based on the
4 document?

5 A. No.

6 Q. What do you mean by "document"?

7 A. The trouble-shooting document that we've
8 been talking about that tells us to walk through steps
9 to check the issues with the customer when we get to a
10 certain point. If we see there it is, then there it
11 is. We find it.

12 Q. You never determined the exact nature of
13 a problem while at HP without referring to the
14 trouble-shooting procedure; is that correct?

15 A. Correct.

16 Q. While at HP, did you make customer
17 function smoother?

18 A. Can you clarify "customer function"?

19 Q. No.

20 A. Then no. I just made sure that their
21 product worked as prescribed.

22 Q. While at HP, did you suggest ways to
23 configure client systems?

24 A. No. Documentation did.

25 Q. While at HP, did you suggest ways to

1 remaining 60 percent of the time, you were not picking
2 up the phone and responding to the customer in
3 accordance with the SLA?

4 A. No, we were not because we were
5 overloaded. So we had calls on hold and tickets on
6 hold we couldn't get to because we were overwhelmed.
7 So for the most part, we didn't meet our SLAs a lot.

8 Q. Well -- I'm sorry. While at HP, did you
9 investigate problems?

10 A. I would ask questions from the Level III
11 engineers to look at problems, to get answers from
12 them regarding issues.

13 Q. But you did not investigate problems
14 yourself?

15 A. Not independently, no.

16 Q. While at HP, did you consider solutions?

17 A. The solutions we considered were given
18 to me by the Level III engineers.

19 Q. But once you received those solutions
20 from the Level III engineers, you did not consider
21 them?

22 A. I was told to forward them on to the
23 customer.

24 Q. But you made no determination as to how
25 or which solutions to pass on to the customer?

1 A. No. I was told to pass on to the
2 customer by the Level III engineer. It was not my job
3 to determine.

4 Q. While at HP, did you train clients?

5 A. No, I did not.

6 Q. In your own words, what is HP's
7 business?

8 A. According to their website, they're the
9 largest IT company in the world.

10 Q. What does that mean to you, being an IT
11 company?

12 A. Well, they provide services and
13 hardware.

14 Q. While at HP, did you write queries to
15 push information through a database?

16 A. No.

17 Q. While at HP, did you write queries to
18 access a database?

19 A. No.

20 Q. While at HP, did you come in contact
21 with unique bugs?

22 A. I didn't discover the bugs. The Level
23 III engineers did because we would elevate problems
24 and they would determine that they were a bug.

25 Q. When doing that, did you ever when

1 Ken?" Is that right?

2 A. Yeah, that's what it reads.

3 Q. Is this a conversation that's going on
4 potentially in Lync while there's some other
5 conference call going on?

6 A. I don't remember.

7 Q. Did you while you were at HP have Lync
8 conversations going on while there was a separate
9 conference call going on at the same time?

10 A. Sometimes.

11 Q. Why would you do that?

12 A. Because while the escalation specialist,
13 who was trying to save business or take care of
14 business or whatever, we could talk privately about
15 what was being said and/or discuss whatever.

16 Q. So in this situation, is there a phone
17 conversation or WebEx going on with the customer and
18 at the same time you all are having this internal Lync
19 conversation at HP?

20 A. I don't recall.

21 Q. But did that happen while you were at
22 HP?

23 A. A few times.

24 Q. About seven lines down, Mary Bronk, an
25 AMS escalations -- escalation specialist, says at

1 11:38 a.m., "Ken, do we suspect a problem with this
2 storage node - that replacing it would resolve?"

3 A. That's what it reads.

4 Q. "Like you said if there was a hardware
5 problem, we would expect the reimage process to have
6 problems."

7 A. Yes, that's what is written.

8 Q. So she's asking your opinion here as to
9 whether you suspect a problem with the storage node?

10 A. She's asking me a question, yeah.

11 Q. And she wants your opinion, correct?

12 A. That's what she's asking for.

13 Q. And then you respond at 11:39, "I'm
14 thinking at this point it might be more beneficial and
15 save face to do so. I do recommend at this point
16 replacing this node. These guys are in a critical
17 situation and any further delay is just going to
18 exacerbate the situation." Did I read that correctly?

19 A. Yes, you did.

20 Q. So in this point, are you making a
21 recommendation to the internal team at HP?

22 A. I am not. That information was given to
23 me, which I was forwarding on.

24 Q. Who was it given to you by?

25 A. Level III engineering; because if it was

1 a critical situation, I don't have the right to make a
2 determination in a critical situation.

3 Q. How did they relay that information to
4 you?

5 A. We would escalate through a tool. They
6 would respond through the tool with e-mail or
7 responses in that tool or they would walk over to us
8 and tell us.

9 Q. So in this situation between 11 -- I'm
10 sorry, between 11:38, when Mary Bronk asked you the
11 question, and a minute later, do you think you raised
12 that issue to the engineers above you and you
13 responded?

14 A. No. This was a conversation I had long
15 into the process.

16 Q. Why do you say that?

17 A. Because of where we're at. We wouldn't
18 be with an escalation specialist if the problem was
19 solved by engineers right away, and usually it was
20 escalated because the customer was too pissed off to
21 deal with anybody at that point and wanted to deal
22 with management in the business unit. And that
23 usually took -- sometimes it would take a day or two.

24 Q. At this point, is Mary Bronk asking you
25 for your opinion and are you giving it?

1 A. I'm not giving my opinion.

2 Q. What are you giving?

3 A. I'm giving information based on what I
4 received from the Level III engineers.

5 Q. Did the Level III engineer tell you that
6 at this point it might be more beneficial and save
7 face to do so?

8 A. I believe Lynel did say that, if I
9 remember correctly, because he was still there.

10 Q. Three years ago, you remember that Lynel
11 said that?

12 A. Yeah, I believe it was him.

13 Q. When you say in this e-mail, "I do
14 remember at this point replacing this node," did you
15 recommend replacing this node?

16 A. That was a recommendation given to me
17 from the Level III engineer. So when I'm talking to
18 her third party, I'm going to say, "I recommend."

19 Q. Who recommended to you that you replace
20 the node?

21 A. Level III engineering. They were taking
22 a look at this critical issue. They always do.

23 Q. Did they tell you specifically to tell
24 Mary that the recommendation at this point was to
25 replace the node?

1 A. I wouldn't have said it if they didn't
2 tell me to do so. I was the conduit.

3 Q. The next line, Mary says at 11:40, "Can
4 we get them up enough to run their business without
5 this 1 storage node?" Do you see that?

6 A. Yes.

7 Q. And then you respond a minute later,
8 "Yah, they can run fine. Just degraded."

9 A. Right.

10 Q. Was Mary asking your opinion whether the
11 customer could still run its business without this one
12 storage node?

13 A. She's asking me for a review of the
14 situation.

15 Q. And then did you review the situation
16 and respond?

17 A. Customers, according to the
18 documentation, can always run on a single node
19 cluster. It looked like maybe they were probably
20 running in a two-node cluster and they lost one node.
21 That's what it appears, but that's information I pick
22 up with experience with the product.

23 Q. When you say "according to the
24 documentation," what documentation do you mean?

25 A. The trouble-shooting documentation.

1 reservations with the choice of [REDACTED] [REDACTED] being an
2 L2 answer guy, not that I don't like him; he is
3 definitely a great guy, but he simply has not had the
4 experience necessary to fully answer the questions
5 that come through here. It's not my decision and I
6 back you up 100 percent on all your decisions, but
7 this is just a concern." Do you see that?

8 A. Yes, I do.

9 Q. Why did you write this e-mail to Steve
10 Ray?

11 A. According to the e-mail, I had a concern
12 about [REDACTED] managing the virtual room that we spoke
13 about earlier.

14 Q. And you had that concern because you
15 didn't think he had the experience necessary to fully
16 answer the questions that come through there?

17 A. Correct.

18 Q. Did you have the experience necessary to
19 fully answer the questions that come through the
20 virtual room?

21 A. Not all of them, no.

22 Q. Were you concerned about your own
23 experience at this time?

24 A. No.

25 Q. Did Steve Ray value your opinion on

1 other personnel working at HP?

2 A. I think since he was an off-site
3 manager, he would ask me about this or that person.
4 This was unsolicited by me to him.

5 Q. But you offered your opinion because you
6 thought it might be helpful to Steve, right?

7 A. I offered my opinion because I felt that
8 [REDACTED] experience with the product wasn't where I
9 thought, which I was incorrect because it was fine, he
10 should be.

11 Q. Did you provide any other opinions to
12 your managers over the course of your career at HP
13 about fellow colleagues and their abilities to do
14 their job?

15 A. No. I think this was the only one.

16 Q. Where did Steve Ray work?

17 A. He was based out of Rio Rancho.

18 Q. Is that in Colorado or somewhere else?

19 A. It's Albuquerque, New Mexico --
20 actually, it's below Albuquerque. Rio Rancho is the
21 town.

22 Q. And where did Jeff Faucette work?

23 A. He was based out of the Boulder office.

24 Q. So you and your managers never worked
25 out of the same office?

1 A. Me and Jeff did, yeah.

2 Q. Okay. Because you worked out of the
3 Boulder office?

4 A. I worked out of the Boulder office, yes.

5 Q. But at the time you worked with Steve
6 Ray, he worked out of a different office?

7 A. Correct. He would come up and visit I
8 think once a month.

9 Q. So you would see him face to face once a
10 month?

11 A. About once a month, I think.

12 Q. How often did you talk to Steve Ray on
13 the phone?

14 A. I don't know. I don't remember.

15 Q. Like once a week?

16 A. No.

17 Q. Less or more than that?

18 A. Less. He rarely called me. Usually it
19 was an e-mail or he showed up.

20 Q. How often did you e-mail with Steve Ray?

21 A. I don't remember. I mean if that e-mail
22 in front of me, I could tell you, yeah, maybe, but I
23 don't remember.

24 Q. Do you think it was daily?

25 A. No.

1 Q. Weekly?

2 A. No.

3 Q. Less than weekly?

4 A. Yes.

5 Q. And what about with Jeff? Did you talk
6 with -- did Jeff come and visit you in person?

7 A. He was right there at the office, so if
8 I had a question, I'd go to talk.

9 Q. So did you talk to him daily?

10 A. No.

11 Q. Weekly?

12 A. No.

13 Q. Okay. Less than that?

14 A. Less than weekly, yeah.

15 Q. Okay. So maybe like a couple times a
16 month?

17 A. If you average it, maybe. I don't
18 remember.

19 Q. Would you agree that at HP their
20 customers' environments were different from one
21 another?

22 A. Well, I didn't know every customer
23 environment, but I would -- I can say yes. Every
24 customer had different needs.

25 Q. Would you agree that HP's customers'

1 needs changed over time?

2 A. Based on feedback from customers, some
3 of them did, and some of them stayed static.

4 Q. But some changed?

5 A. Some changed, and they would contact us
6 regarding those changes.

7 Q. Would you agree that HP's customers'
8 environments changed over time?

9 A. Didn't you just ask that question?

10 Q. I think I asked about needs.

11 A. Oh.

12 Q. So my question now --

13 A. I would have to ask the customers
14 because I don't know how their environments change.
15 It's not my job to know.

16 Q. I'm not asking how they changed. I'm
17 asking if you agree that HP's customers' environments
18 changed over time.

19 A. I don't know.

20 Q. Do you agree that at HP the cases you
21 handled could take varying amounts of time and effort
22 to resolve?

23 A. Yeah. Like I've stated before, every
24 case is different, so yes.

25 Q. While at HP, did you perform manual or

1 physical installations?

2 A. No.

3 Q. Did you perform configurations?

4 A. Manual?

5 Q. Yes.

6 A. No.

7 Q. While at HP, did you perform manual
8 cable replacements?

9 A. No.

10 Q. While at HP, were your customers
11 typically sophisticated technology professionals?

12 A. No.

13 Q. Were the people you talked with at the
14 customers' businesses typically sophisticated
15 technology professionals?

16 A. Not all of them. Some of them were very
17 sharp, but most of them were not.

18 Q. Would you agree that the customers --
19 I'm sorry. Would you agree that the people you talked
20 with at your customers were typically responsible for
21 the day-to-day operation and routine trouble-shooting
22 of their hardware and software?

23 A. I can't say that with confidence, so no.

24 Q. While at HP, were you ever a team lead?

25 A. No.

1 Q. Were you ever a subject matter expert?

2 A. No.

3 Q. While at HP, could you choose what cases
4 to take?

5 A. Could we choose?

6 Q. Uh-huh.

7 A. Sometimes you could, but I never did. I
8 would take the next one in line because that's what
9 you were supposed to do. It was an issue. People did
10 what they call cherry-picking.

11 Q. What is cherry-picking?

12 A. People would pick drive replacement
13 cases because they were easy, and it would drive their
14 closure numbers up, but I would always take the next
15 one in line because that's what we were trained to do.

16 Q. Is it also more fair to the people you
17 work with?

18 A. Yes.

19 Q. Do you think that's the professional and
20 proper thing to do, is to treat your colleagues like
21 you would like to be treated?

22 A. Yes.

23 Q. Instead of taking the next case
24 available in a queue, could an engineer take a case
25 based on his or her own specialty or abilities?

1 A. No, because that information wasn't
2 available. It was just a case title that were
3 populated there by a different organization.

4 Q. While at HP, were your cases always
5 assigned by the queue monitor?

6 A. Not always. That was a late add, about
7 the last year I was there.

8 Q. So like in 2013, that was added?

9 A. No, I wasn't there -- 2013, I left in
10 February, so it was probably -- I think it was like
11 May, June probably of 2012, we added a queue monitor
12 because we were overwhelmed.

13 Q. Okay. So before 2012, how were cases
14 assigned?

15 A. By the phone. The phone would call, and
16 we'd pick it up.

17 Q. So were they assigned automatically?

18 A. They were assigned to the queue. Some
19 of them were, but for the most part, they would call
20 in. They were queued by the software. So you'd get
21 off a phone call, finish up our notes, answer the
22 phone.

23 Q. How did the software, if you know,
24 decide where to direct the phone call?

25 A. That, I don't know.

1 Q. Would you agree that while at HP the
2 approach to solve a problem depended on the issue,
3 customer, and severity level?

4 A. No.

5 Q. While at HP, would you agree that the
6 approach to solve a problem depended on the issue?

7 A. The approach to solve a problem depended
8 on the issue? Yes.

9 Q. While at HP, would you agree that the
10 approach to solve a problem depended on the customer?

11 A. No.

12 Q. Would you agree that while at HP the
13 approach to solve a problem depended on the severity
14 level?

15 A. No.

16 Q. Would you agree that an engineer at HP
17 needs to know how to prioritize?

18 A. What kind of an engineer?

19 Q. A TSC II or III.

20 A. Knew how to prioritize what?

21 Q. Tasks at hand.

22 A. Tasks at hand. Such as taking cases?

23 Q. Such as when you're solving a case, does
24 an engineer TSC II or III need to know how to
25 prioritize?

1 A. No, because we're going through the
2 list. It prioritizes it for us.

3 Q. When you're saying you're going through
4 the list, have you ever found a situation where the
5 procedure says to go A to B to C, but you thought the
6 best way to handle the situation was to go from A to
7 C?

8 A. No. I didn't skip. We had cases of
9 people skipping, and we had data loss. So we never
10 skipped.

11 Q. While at HP, did you consult with a
12 customer -- I'm sorry. While at HP, did you consult
13 with customers on issues and performance needs?

14 A. No. That was elevated to a performance
15 team.

16 Q. Did you have discretion while you were
17 at HP to engage other resources?

18 A. I was told at certain levels to elevate
19 to Level III engineering. That's what I followed.

20 Q. While you were trouble-shooting a case,
21 did you have discretion to turn to your colleague
22 sitting in your same office and bounce ideas off him
23 or her?

24 A. It's in the discretion, but it's just
25 "Hey, I don't know this. Do you know it?"

1 Q. Did you have to ask permission from Jeff
2 or Steve Ray to turn to your colleague while you were
3 trouble-shooting and bounce ideas off your colleagues?

4 A. No.

5 Q. Would you agree that a TSC II or III
6 needs to use judgment to know what information to
7 gather and how to gather it?

8 A. No. We're told how to do it.

9 Q. While at HP, did you create your own
10 tools or scripts for collecting information?

11 A. I did not.

12 Q. Would you agree that while at HP the log
13 files you would gather from a customer didn't always
14 have a clear error message?

15 A. Didn't always have a clear error
16 message, correct.

17 Q. Did you ever write knowledge based
18 articles while at HP?

19 A. Maybe I wrote one, but that was at the
20 end when I was leaving because we were never really
21 asked to do that because it was never implemented by
22 management. I know that the previous team members,
23 the new ones that came from another group, they were
24 asked to do that as part of the metrics.

25 Q. When you say it was never implemented by

1 the management, what do you mean?

2 A. Well, we were told when we were told to
3 start writing, "Well, we were supposed to be doing
4 this before, but we haven't been because we've been
5 buried," because we had at one time 15 support people
6 and our phone call queue wait times were over two
7 hours, so we didn't have any time to do anything
8 except answer phone calls.

9 Q. Did you search the knowledge based
10 articles to help you solve cases?

11 A. Yep.

12 Q. Did the knowledge based articles always
13 provide the solution to your particular case?

14 A. Rarely.

15 Q. Could you sometimes find a knowledge
16 based article that was on topic?

17 A. On topic?

18 Q. Or that related to your particular
19 situation.

20 A. When you write them up, you just start
21 looking at whatever comes up. Evidently, the search
22 engine decided that that was relevant, so we started
23 looking at the information it was giving us.

24 Q. I'm sorry. Can you explain that
25 further?

REPORTER'S CERTIFICATE

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

I, SANDRA L. BRAY, Registered Diplomatic Reporter, Certified Realtime Reporter, and Notary Public ID 20084001729, State of Colorado, do hereby certify that previous to the commencement of the examination, the said KEN SHROPSHIRE was duly sworn by me to testify to the truth in relations to the matters in controversy between the parties hereto; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein nor otherwise interested in the outcome of this litigation.

IN WITNESS WHEREOF, I have affixed my
signature this 19th of June, 2015.

My commission expires January 16, 2016.

 X Reading and Signing was requested.
 Reading and Signing was waived.
 Reading and Signing is not required.

Sandra L. Bray
Sandra L. Bray
Certified Realtime Reporter
Registered Diplomate Reporter